

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

RANDALL RICHARDSON, #424559	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case Nos. 6:22-cv-0197-JDK-KNM
	§	6:22-cv-0209-JCB-KNM
TDCJ, et al.,	§	
	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Randall Richardson, an inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 alleging violations of his civil rights. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Plaintiff also filed a second complaint asserting the same claims against the same defendants, which was docketed as a new action and subsequently consolidated into the original lawsuit. Docket Nos. 10, 11. At the time of consolidation, Judge Mitchell ordered Plaintiff to file an amended pleading to cure several deficiencies in both the first and second complaints. Docket No. 11 at 2. Plaintiff did not comply with that order and has taken no action since that date to prosecute this case.

On October 6, 2022, Judge Mitchell issued a Report recommending that Plaintiff's civil rights lawsuit be dismissed for failure to prosecute due to Plaintiff's failure to amend his pleading as instructed. Docket No. 15. A copy of this Report was mailed to Plaintiff, who received it on October 26, 2022, and did not file written

objections to the Report. Docket No. 16.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 15) as the findings of this Court. It is therefore **ORDERED** that Plaintiff’s claims in these cases are **DISMISSED** without prejudice for failure to prosecute and to comply with the Court’s orders. All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **5th** day of **December, 2022**.

A handwritten signature in black ink, reading "Jeremy D. Kernodle", is written over a horizontal line.

JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE